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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,637	01/16/2004	Michael J. Swantner	03-2-325	1551
7590	12/29/2005		EXAMINER CHUNG TRANS, XUONG MY	
William H. McNeill OSRAM SYLVANIA Inc. 100 Endicott Street Danvers, MA 01923			ART UNIT 2833	PAPER NUMBER

DATE MAILED: 12/29/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/759,637
Filing Date: January 16, 2004
Appellant(s): SWANTNER ET AL.

William McNeill
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 3, 2005 appealing from the Office action mailed July 11, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

A). Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheesley et al. (USPN 4,666,231).

As per claim 1, Sheesley discloses the invention substantially as claimed comprising: an electrically conductive member (12) having a longitudinal section with at least a portion of which provides a cylindrical hollow end (13); an electrically conductive pin (2) positioned with respect to said electrically conductive member, a first part (3,4) of said electrically conductive pin (2) being substantially centrally located within said hollow end (13); and an electrically insulating body (29) surrounding the electrically conductive member and said electrically conductive pin, the electrically conductive member (12) having at least one leg (17) extending in a direction transverse to said longitudinal axis and having a length sufficient to extend beyond a surface of the electrically insulating body (29).

As per claim 2, Sheesley teaches the connector is a right-angle connector.

As per claim 4, Sheesley teaches that the electrically conductive pin 2 has a second part 6 projecting in a direction transverse to the first part (3,4).

As per claim 5, Sheesley discloses that the second part (6) of the conductive pin (2) extends beyond a surface of the electrically insulating body.

B). Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheesley in view of Tanaka (4,556,264).

As per claim 3, Sheesley discloses the invention substantially as claimed except for at least on compressible leg. Sheesley does disclose that the electrically insulating body is provided with at least two spacing feet (49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an addition compressible leg as needed. Further, the use of compressible leg is well known in the art as evidence by Tanaka. Tanaka discloses the use of such compressible leg 18 (col. 4, lines 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to including the teaching of Tanaka in the Sheesley invention in order to rigidly fix the insulator to the printed board.

(10) Response to Argument

A). With respect to 35 USC 102, Appellant argued that the electrical member and pin of Sheesley are not surrounded by an insulating body as required by the claims. The appellant also asserted that the term “surrounding” as used in the specification and claims and as shown in the drawings (see fig. 3 of the subject application) is obviously to be interpreted as meaning that the electrical component are covered by an insulating material except where necessary for electrical connection to be made thereto. The examiner respectfully disagrees. Sheesley does

disclose that the electrical member 12 and pin 2 are surrounded by an insulating body (29) as claimed.

In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the term "surrounding" as used in the specification and claims and as shown in the drawings (see fig. 3 of the subject application) is obviously to be interpreted as meaning that the electrical component are covered by an insulating material except where necessary for electrical connection to be made thereto) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B). With respect to 103, appellant argued that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sheesley invention by incorporated the compressible leg (e.g., mounting leg 18) as disclosed by Tanaka to produce the claimed invention because Tanaka specifically teaches or suggests that it is possible to fix the body in a printed board (not show) by bringing the leg into resilient engagement with fitting holes of the printed board (col. 4, lines 45-50).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

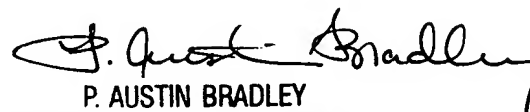
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



X. M. Chung-Trans

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